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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,338	01/18/2002	Lou Chauvin	83304CF-P	9961

7590 04/26/2005

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,338	Applicant(s) CHAUVIN ET AL.	
	Examiner Robert M. Pond	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

The Applicant amended claims 1, 10, and 19. All pending claims (1-19) were examined in this final office action necessitated by amendment.

Response to Arguments

Claim Objections (Claims 13-19)

The Applicant corrected claim numbering and further amended Claim 19 to overcome objections. Claim Objections are withdrawn.

Rejection under 35 USC 101 (Claims 1-9)

The Applicant amended Claim 1. Rejection under 35 USC 101 is withdrawn.

Rejection under 35 USC 102

Applicant's arguments filed 14 January 2005 have been fully considered but they are not persuasive. The Applicant amended independent claims 1, 10, and 19 and based arguments on the amended claims. Kodak (Paper #20041001) and PictureVision teach and/or suggest access to more than a single service provider, and further teach and/or suggest the type of business relationship with Kodak.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-19 are rejected under 35 USC 103(a) as being unpatentable over Kodak (a collection of prior art cited in Paper #20041001, PTO-892, Items: U-V) in view of PictureVision (PTO-892, Item: U).**

Kodak teaches Kodak Picture Center, a system and method for ordering digital photo services over a communication network among a plurality of photo service providers from a plurality of order terminals, each of the order terminals being associated with one of a plurality of business entities. Kodak teaches Kodak Picture Center Online launched on CVS.com the Internet arm of CVS/Pharmacy with more than 4,100 stores. Kodak teaches offering CVS consumers a total photography solution, offering both traditional prints and pictures uploaded to the Internet, and CVS consumers sharing and enhancing their pictures online. Kodak teaches co-branding the CVS-Kodak photo web site to consumers online at CVS.com and at 4,100 CVS/Pharmacy stores (V: see at least title and page 1). Kodak further teaches:

- Maintaining information: photo-server's e-commerce processing engine and imaging server controls Kodak Picture Center Online (U: see page 2).

Inherent in the system and method of a centralized business-to-business commerce server is maintenance of entity relationship information and directory services. Inherent in the system of a centralized business-to-business commerce server is computer software embodied in computer-readable memory having executable instructions.

- Providing an offering at one or more the order terminals: at least 4,100 kiosks at a plurality of service providers (U: see page 2).
- Provides a subset of services: subset of CVS services; having film digitized and uploaded directly to Picture Center Online (by checking a box on their photo-finishing envelope at CVS stores). (U: see page 2); uploading digital files from digital camera and personal computers (U: see page 2).

Kodak teaches all the above as noted under the 103(a) rejection and teaches

a) LightSurf's patent pending photo server infrastructure and PictureVision's PhotoNet system powering Kodak Picture Center Online (U: see at least page 2),

b) CVS.com as the first retailer to offer the co-branded Kodak Picture Center (V: see at least page 2), and further teaches a plurality of service providers under the CVS.com relationship, but does not disclose other service provider relationships. PictureVision teaches PictureVision, a wholly owned subsidiary of Eastman Kodak Company, providing the imaging industry with turn-key solutions and patented technologies for increasing sales by leveraging the consumer evolution to digital photography. PictureVision teaches Kodak PhotoNet online providing

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online photography services for a plurality of strategic business partners including photo retailer Wolf Camera, mail-order processors Mystic Color, York Film Developing, as well as Lifetouch (please note: service providers) (U: see at least page1). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Kodak to provide access to other service providers as taught by PhotoNet, in order to help Kodak leverage the consumer evolution to digital photography through more than one service provider, and thereby maximize sales.

Pertaining to claims 10-19

Rejection of claims 10-19 is based on the same rationale as noted above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond
Primary Examiner
April 21, 2005